

Development Management Report

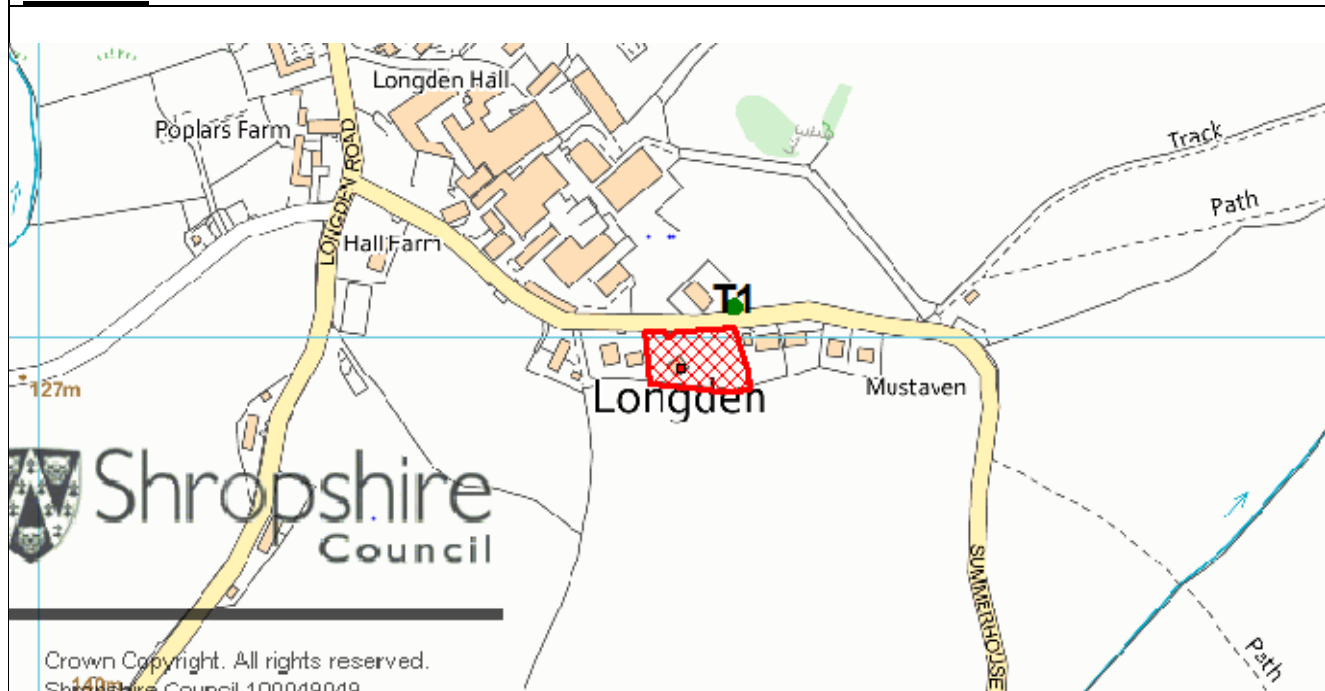
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Summary of Application

Application Number: 21/01377/VAR	Parish:	Longden
Proposal: Variation of Conditions Nos.2 (approved plans) and 11 (amenity area) pursuant of 20/04317/FUL to allow for: a larger dormer to front elevation with 2 windows; addition of porch; installation of glass balustrade to part of flat roof to enable use as balcony amenity area; installation of balcony velux window to rear roof and creation of habitable room in loft (amended description)		
Site Address: Sunninghill Summerhouse Lane Longden Shrewsbury Shropshire		
Applicant: Mr & Mrs R Parsons Jones		
Case Officer: Alison Tichford	email : alison.tichford@shropshire.gov.uk	

Grid Ref: 344439 - 305982



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0	THE PROPOSAL
1.1	Planning permission for alterations to the detached property Sunninghill in Longden including the erection of two-storey side extensions and a single storey rear extension was granted by virtue of planning permission 20/04317/FUL. The development has commenced.
1.2	This application proposes to vary condition no. 2, with regard to approved plans, and condition 11, which ruled out the use of the flat roof to the rear extension as an amenity area.
1.3	Condition 2 attached to planning permission 20/04317/FUL read as follows: <i>The development shall be carried out strictly in accordance with the approved plans and drawings.</i> <i>Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.</i>
1.4	Condition 11 attached to planning permission 20/04317/FUL read as follows: <i>The flat roof to the single storey rear extension shall at no times be used as an amenity area.</i> <i>Reason: To protect the amenity of neighbouring residents.</i>
1.5	This current application therefore seeks planning permission for the variation of condition No. 2 (approved plans) and 11 (amenity area) attached to planning permission 20/04317/FUL to allow for: <ul style="list-style-type: none"> • an enlarged dormer to the front side elevation with 2 windows • A porch to the secondary entrance via the utility • The removal of a chimney • Alterations in location of cladding • The installation of a glass balustrade to part of the flat roof to the rear single storey extension to enable use as a balcony amenity area • The installation of a balcony velux window to the rear roof in order to enable a habitable room in the loft
2.0	SITE LOCATION/DESCRIPTION
2.1	The existing mid C20 dwelling occupies a pleasantly mature 0.6 acre plot to the south of Summerhouse Lane in the rural village of Longden. There is an existing small garage/workshop of similar age to the dwelling.
2.2	The existing house has brick walls and a hipped tiled roof with chimney and is set back appx. 18m from the road with access on a tarmac driveway.
2.3	There are C21 detached dwellings to the west and on the other side of the road to the north east, and a C20 bungalow to the west. There are open agricultural fields to the rear/south.

3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The applicant is a staff member of Shropshire Council who reports indirectly to the Home and Communities AD, formerly within Infrastructure and Communities, and the application therefore requires consideration by Planning Committee as set out SC Scheme of Delegation and Part 8 of the Shropshire Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	Longden Parish Council has made comments neither objecting to nor supporting the application, adding that they make no objection providing that no neighbour has his or her privacy compromised by the changes to fenestration.
4.1.2	SC Ecology did not object to the original application following the submission of a preliminary ecological appraisal subject to the inclusion of conditions to ensure the protection of wildlife and to provide ecological enhancements. The pre commencement condition requiring ECW confirmation of no changes has been satisfied by the provision of a further short report from Pearce Environmental.
4.1.3	SC Trees had no objection to the original application.
4.2	Public Response
4.2.1	A site notice has been posted as required, and three neighbouring properties have been individually notified with regard to the proposed works and no comments have been received as a result of this publicity.
5.0	THE MAIN ISSUES
	Principle of development Design, Scale and Character Impact on Residential Amenity Ecology
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	Specific planning conditions were imposed on planning permission ref: 20/04317/FUL in order to safeguard the character, visual and residential amenities of the local area in accordance with policies CS6 and 17 of the Core Strategy and MD02 and MD12 of the SAMDev Policies.
6.1.2	Matters considered under Planning Permission Ref: 20/04317/FUL are not being reviewed here. However, the applicant has applied to vary those plans to include <ul style="list-style-type: none"> • an enlarged dormer to the front side elevation with 2 windows • A porch to the secondary entrance via the utility • Removal of a chimney

	<ul style="list-style-type: none"> • Alterations in location of cladding • The installation of a glass balustrade to part of the flat roof to the rear single storey extension to enable use as a balcony amenity area • The installation of a balcony velux window to the rear roof in order to enable a habitable room in the loft.
6.1.3	The main issues raised by the current application relate to the impact on the character of the dwelling and local area as well as the impact on the residential amenities of neighbouring properties. Householder alterations are generally acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6 and MD2, and further consideration of CS17 and MD12 will also be appropriate.
6.2	Design, Scale and Character
6.2.1	<p>Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character.</p> <p>In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.</p>
6.2.2	The original permission restricted permitted development rights to further alterations in terms of extensions, alteration to the roof including dormer windows, and freestanding buildings within the curtilage in order to ensure local planning authority control so that the scale of the development remains appropriate to the plot and the local character and to ensure neighbour amenity.
6.2.3	The addition of a secondary porch, the removal of a chimney, and the alterations proposed to cladding are considered to have minor impact on the scale and character of the development.
6.2.4	The enlarged dormer to the front side elevation will increase the massing to the front but may also appear a better fit with the existing front gable and improve the overall appearance of the extension. The small flat roof balcony amenity area protected by a glass balustrade is not inappropriate in this location to the rear of the dwelling and will not be unduly prominent in public views. The large velux cabrio window to the rear will have some impact and may seem a little out of place if lit at night but is sufficiently distant from public viewpoints as to not have significantly more impact than existing glazing to the rear elevation. The applicants indicate that this room will be used as a home office and is unlikely to be lit often at night time.
6.2.5	The proposed development involves significant works on site. The existing landscaping will contribute to softening the impact of the proposed extensions and alterations and a condition requiring a simple landscaping plan for the project to be approved by the local planning authority was included on the original

	permission and should be repeated on this variation application to ensure the alterations proposed to the previous permission remain appropriate to the local character and context.
6.3	Impact on Residential Amenity
6.3.1	Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
6.3.2	There have been no objections to the proposed alterations from neighbouring properties and the Parish Council were satisfied as long as there were no impacts on neighbour privacy as a result of alterations to fenestration.
6.3.3	The small balcony area proposed to be introduced above the flat roof single storey rear extension and the proposed velux cabrio window to the rear roof will face south east across open fields but will have some potential for views to the east towards the gardens of neighbouring property Meadowsweet and for corresponding views back from the gardens of Meadowsweet. There is no potential for direct intervisibility between the two dwellings.
6.3.4	The boundary to the garden at Meadowsweet is set at appx. 39m from the proposed balcony area and existing plants and hedges will offer some screening. Officers consider that that at this distance and with the small scale of the balcony area there will be no unacceptable impact on the privacy of either property and neither will residential noise arising from the use of these small balcony areas have the potential to significantly disturb neighbour enjoyment of their private amenity areas, or the use of the area to be experienced as overbearing. It will be appropriate to amend condition 11 to allow use of the small area of the flat roof as indicated on approved plans as balcony amenity area.
6.3.5	The enlarged dormer to the front side elevation with additional window will have a restricted angled view towards the north and will be set appx. 50m from the new dwellings to the north of Summerhouse Lane and will not lead to any significant increased potential for overlooking or impact on privacy while it’s additional bulk will remain set within the proposed hipped roof to the extension and will not have any overbearing impact on the neighbouring property to the west.
6.3.6	On balance the revised scheme is considered to satisfy policy CS6 and SAMDev MD2 in relation to safeguarding residential amenity.
6.4	Ecology
6.4.1	SC Policy CS17, consolidated by MD12, requires that all development protect and enhance the diversity of Shropshire’s natural environment. The original application included conditions to ensure the protection of wildlife and to provide ecological enhancements and these should be repeated on this variation application, other than the pre commencement condition which has already been satisfied.
7.0	CONCLUSION

7.1	<p>It is considered that the proposed variation to condition 2 pertaining to planning permission 20/04317/FUL is acceptable in that it will be consistent with policy and will not adversely affect the character and appearance of the locality or cause unacceptable harm to the residential amenities of neighbouring properties. Likewise, the proposed variation to condition 11 pertaining to planning permission 20/04317/FUL is acceptable. The natural environment on site can be protected by means of condition. As such the proposal is considered to be in accordance with the NPPF and Core Strategy Policies 6 and 17 of the adopted Shropshire Core Strategy 2011, as well as of SAMDev Policies MD2 and MD12.</p> <p>Recommend permission is granted with conditions as discussed above.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose. <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p>

	This legislation has been taken into account in arriving at the above recommendation.
8.3	Equalities
	The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.
9.0	Financial Implications
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

20/04317/FUL Erection of a single storey rear extension (following demolition of existing) and two-storey side extensions to include double garage (revised description) GRANT 20th January 2021

21/00991/AMP Amendments to planning permission 20/04317/FUL - proposed additional window to first floor extension to balance elevation, proposed window to plant room, proposed removal of redundant chimney, proposed porch WDN 18th March 2021

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QQ28LGTD0HG00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Roger Evans

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby approved shall be begun before the expiration of three years from 19th January 2021, the determination date of planning permission 20/04317/FUL.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. No works shall commence until an appropriately qualified and experienced Ecological Clerk of Works (ECW) has been appointed and provided brief notification to the Local Planning Authority of any pre-commencement checks and measures to ensure there are no significant changes in the habitat/condition within the development footprint since the provision of the Pearce Environmental Preliminary Ecological Appraisal and that the mitigation/avoidance measures recommended within the Great Crested Newt Reasonable Avoidance Measures Method Statement provided are still considered appropriate to be carried out.

Reason: To ensure the protection of Great Crested Newts which are European and UK protected species and other wildlife.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. Prior to commencement of the relevant part of work, the finish and colour of the render, the cedar cladding, and the roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of certainty and in order to ensure the appropriate appearance of the dwelling within the local streetscene.

5. Works will be carried out strictly in accordance with the Great Crested Newt Reasonable Avoidance Measures Method Statement (RAMMS). The ECW will ensure that the Statement is implemented as set out in Section 5.4.23 - 5.4.34 and Appendix 6 as well as the implementation of other ecological mitigation and enhancement measures as set out in Section 5 of the Preliminary Ecological Appraisal (PEA), Phase 2 Bat Survey & Great Crested Newt eDNA report (Pearce Environmental Ltd, 2020) and will provide a detailed statement in this regard to the local planning authority prior to any occupation of the extended accommodation.

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species

6. Prior to the first occupation of the extensions to the dwelling full details of both hard and soft landscape works (including timetable for implementation) shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved details and timescales. Any trees or plants that are removed, die or become seriously damaged or defective within 5 years shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

7. Prior to first occupation / use of the extensions, the makes, models and locations of bat and bird boxes shall be installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- o A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.

- o A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), swifts, sparrows and small crevice dwellings birds (swift bricks or boxes also suitable for this range of species) and/or house martins (house martin nesting cups).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 175 of the NPPF.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between March and August inclusive, unless an appropriately qualified and experienced ecologist has undertaken a careful, detailed check of vegetation / the building for active birds' nests immediately before the vegetation is cleared / works to the building commence and provided written confirmation to the Local Planning Authority that no nesting birds will be harmed and/or that there are appropriate measures in place to protect structures used by nesting birds on site.

Reason: To ensure the protection of nesting birds, which are protected under the 1981 Wildlife and Countryside Act (as amended).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- o Extensions;
- o Additions or alterations to the roof, including dormer windows;
- o Free standing buildings within the curtilage;

Reason: To maintain the scale, appearance and character of the development and to comply with SC Core Strategy 6 and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

11. The flat roof to the single storey rear extension shall at no times be used as an amenity area other than that area screened by glass balustrades as indicated on approved plan 2032-MA(00)0002 .

Reason: To protect the amenity of neighbouring residents.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

